

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DOUGLAS JENDRAS,)	Case No. 11-cv-05409-SC
)	
Plaintiff,)	<u>ORDER CONTINUING TRIAL</u>
)	
-against-)	
)	
ABOVENET, INC.,)	
)	
Defendant.)	
_____)	

The trial in this matter is hereby continued to October 30, 2013 at 9:30 a.m. The pre-trial conference remains undisturbed and shall still be held on October 18, 2013 at 9:30 a.m. So that the Court may review the pre-trial submissions prior to the pre-trial conference, the Court modifies the pre-trial Order as detailed below.

In the event that Plaintiff's jury trial demand is struck, each party shall file the following no later than ten (10) days prior to the pre-trial conference:

- Proposed findings of fact and conclusions of law;
- Trial brief;
- List of witnesses; and
- Statement designating all excerpts from depositions, answers to interrogatories, and responses to requests for admission.

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In the event that Plaintiff's jury trial demand is not struck, each party shall file the following no later than ten (10) days prior to the pre-trial conference:

- A JOINT agreed-upon, brief statement of the case to be read to the jury prior to trial;
 - Proposed voir dire questions;
 - A trial brief;
 - A list of exhibits;
 - A list of witnesses;
 - A statement designating all excerpts from depositions, answers to interrogatories, and responses to requests for admission to be offered at trial for any purpose other than impeachment or rebuttal;
- (7) JOINT jury instruction; and
- (8) A proposed form of verdict.

All other aspects of the Court's August 27, 2013 pre-trial Order remain undisturbed.

IT IS SO ORDERED.

Dated: September 10, 2013



UNITED STATES DISTRICT JUDGE